

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MICHELLE LOU, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

MA LABORATORIES INC., ABRAHAM
MA, CHRISTINE RAO, CHRISTY YEE,

Defendant.

Case No. 12-cv-05409 WHA (NC)

**ORDER RESOLVING VARIOUS
DISCOVERY DISPUTES**

Re: Dkt. No. 237, 241

This order summarizes the Court's rulings on various discovery disputes presented on the eve of class certification briefing in this employment case. On August 28, 2013, the Court ordered the parties to submit a joint discovery status report by September 11, 2013. Dkt. No. 227. The parties responded with competing reports merged into a single document. Dkt. No. 233. Defendants then filed a supplement two days after the deadline without requesting leave to do so. Dkt. No. 235. On September 16, 2013, the parties filed a joint letter brief outlining their respective positions on a dispute over whether Defendants properly issued subpoenas to certain third parties. Dkt. No. 237. Two days later, the parties filed an additional letter brief discussing their dispute over the future use of subpoenas on

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1 third parties and whether the Court should issue a protective order. Then on September 20,
2 2013, the Court supervised a meet and confer and heard argument regarding the parties'
3 letter briefs, as well as several other outstanding discovery disputes. As the Court explained
4 at the hearing, the Court rules as follows:

- 5
- 6 • Plaintiffs' request to compel Defendants to produce Exhibits B and C submitted
7 with the September 11 status report is GRANTED.
- 8 • Defendants' request to seal Exhibits B and C submitted with the joint status
9 report is DENIED.
- 10 • Defendants are ORDERED to either produce missing "last act fields" or "last
11 entry of the day fields" or alternatively to file and serve a declaration within
12 fourteen days demonstrating that this information has already been produced in
13 its entirety.
- 14 • Plaintiffs' request to compel Defendants to produce SPIFs input and calculation
15 data is DENIED. However, Defendants are ORDERED to file and serve a
16 declaration within fourteen days demonstrating that the requested data does not
17 exist.
- 18 • The parties are ORDERED to each select five employees from the San Jose Ma
19 Labs location, and five employees from the Los Angeles Ma Labs location. The
20 parties must exchange lists by September 24, 2013. Defendants must produce
21 the headers only from e-pops and emails of the selected employees by
22 September 30, 2013. The Defendants' request to impose costs on Plaintiffs for
23 this production is DENIED.
- 24 • Plaintiffs' request to compel Defendants to produce additional phone records is
25 DENIED.
- 26 • Plaintiffs' request to quash the three subpoenas that Defendants served on third
27 parties is DENIED, but these and future third party subpoenas will be limited by
28 a protective order to be entered by the Court. The Court will issue the protective

1 order separately.

2 Any party may object to this order within fourteen days. Fed. R. Civ. P. 72(a).

3
4 IT IS SO ORDERED.

5 Date: September 24, 2013



6
7 Nathanael M. Cousins
United States Magistrate Judge